

The Senate being full on the appearance of Senator Rawson, the call was suspended.

The motion offered by Senator Shelley was then adopted, by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Latimer, Shelley, Swift, Word and Mr. President—13

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor and Tracy—12.

A message was received from the House informing the Senate that the House had adopted the report of the committee of conference on the printing bill.

On motion of Senator Flanagan the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, February 13, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator King presented a petition from the citizens of Kendall county, to levy a special tax to pay a debt and build a county jail.

Also, a petition from the citizens of Kendall county, to levy a tax to repair roads, etc. Read and referred to the Committee on State Affairs.

Senator King also presented a petition from the citizens of Kendall county, asking that certain laws be enacted for the protection of the agricultural interest of the country. Read and referred to the Committee on Agriculture.

Senator Sayers presented a petition for the relief of R. H. Walker. Read and referred to the Committee on Private Land Claims.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 89, to be entitled "An act to incorporate the G. M. Johnson Lodge No. 97, of the Independent Order of Odd Fellows," having had the same

under careful consideration, instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

Senator Dohoney introduced a bill entitled "An act to amend an act to incorporate the town of Bonham, in Fanin county, approved August 13, 1870." Read first time and referred to Judiciary Committee No. 1.

Senator Rawson introduced a bill to be entitled "An act to incorporate the Hallville Masonic Institute." Read first time and referred to the Committee on Education.

Senator Ball introduced a bill entitled "An act to incorporate the town of Weatherford." Read first time and referred to Judiciary Committee No. 2.

Senate bill No. 5, entitled "An act entitled an act for the relief of the heirs and assignees of Haynes Crabtree, deceased," read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Rawson, Ruby, Saylor, Sayers, Swift, Tracy and Word—22.

Senator Gaines moved a suspension of the rules in order to take up Senate bill No. 79, entitled "An act to provide for the assessment of the liabilities of the county of Washington, and to provide for the same." Carried.

The bill was read a second time and ordered engrossed; the rules suspended, read a third time and passed.

Senator Gaines moved a suspension of the rules in order to take up Senate bill No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county." Carried.

The bill was read second time, and ordered engrossed; rules suspended, read third time and passed.

A message was received from the House, informing the Senate that the House had passed House bill No. 187, "An act to amend section seven of an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870."

Senate bill No. 53, "An act for the relief of John H. Jenkins," was read third time, and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks,

Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley and Word—23.

Senate bill No. 34, "An act to amend section two of an act entitled an act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871," was read third time.

Senator Henry moved to amend by adding the following: "Nor shall the plaintiff be permitted to testify in cases where service is had by publication, and the defendant does not appear." The amendment was adopted by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift and Word—20.

Nays—Senator Franks and Mr. President.

And the bill passed.

The following message was received from his Excellency the Governor, which was read and referred to the Committee on Education:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, February 13, 1873.)

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

J. H. Raymond, S. Mussina, C. R. Johns, M. A. Taylor, Hamilton Stuart, S. G. Newton and J. R. Morris, as administrators of the University of Texas. These names have heretofore been overlooked.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company," was read second time.

Senator Shelley offered the following amendment, which was adopted: Amend section seventeen by adding, "and shall be and remain subject to control and regulation by the Legislature, as well as to its charges for freights as to its conduct as a common carrier."

Senator Avinger offered the following amendment, which was adopted: Amend section eight by striking out "at or near," wherever they occur; also, strike out after "Eastland" the words "or adjoining counties," and insert "county, or north of said county."

Senator Finlay offered the following amendment, which was adopted: "*Provided*, that the freight and passenger depots of said road shall be within a mile of the court houses in the towns of Columbus, La Grange, Bastrop, Austin, Lampasas, or other county towns through which it may pass."

The bill as amended was then ordered engrossed.

House bill No. 14, "An act to repeal section five of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," was taken up, together with the following amendments recommended by the committee, viz:

Amend by striking out section one and insert as follows: "SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That section five of an act entitled 'An act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871, be so amended as hereafter to read as follows, to-wit: SEC. 5. The available school fund liable to appropriation for the support of public schools is hereby declared to be all interest which has accrued or may hereafter accrue to the school fund from railroads or otherwise, since the thirtieth day of March, 1870, one-fourth of all the *ad valorem* and occupation taxes assessed since that date, and such other taxes as may be provided by law for the support of public schools. Accounts against this available school fund shall be paid out of any part of it that may be in the Treasury, on appropriation therefor by the Legislature."

Amend section three, in line ten, by inserting after the word "the," and before the word "collection," the words "assessment or."

Amend caption by striking out the word "repeal" and inserting the word "amend."

The amendments were adopted by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby and Saylor—11.

Senator Baker moved to strike out section three.

Senator Flanagan moved to adjourn, which was lost by the following vote:

Yeas—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Rawson, Randle, Ruby and Tracy—13.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Saylor, Sayers, Shelley, Swift, Word and Mr. President—14.

Senator Finlay moved a suspension of the rules in order that the bill might be recommitted. The motion was lost.

Senator Fountain moved that the Senate adjourn to 10 o'clock A. M. to-morrow. The motion to adjourn was carried by the following vote :

Yeas—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Rawson, Randle, Ruby, Saylor and Tracy—13.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Finlay, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—13.

The Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, February 14, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report :

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 52, entitled "An act to carry into effect the provision of the Constitution in reference to the probate duties of district clerks."

Senate bill No. 61, entitled "An act to amend an act prescribing the mode of proceeding in district courts in matters of probate, approved November 6, 1871."

Senate bill No. 68, entitled "An act entitled an act to amend Sections 192, 217, 235, 240, 242, 250, 251, 252 and 266, of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

Having carefully examined and considered the same,